

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 09-0103-1 CRB

Plaintiff,

**ORDER DENYING SENTENCE
REDUCTION**

v.

RAFAEL FRANCO-PEREZ,

Defendant.

Rafael Franco-Perez moves for a sentence reduction under 18 U.S.C. § 3582(c)(2) and U.S.S.G. §1B1.10 based on Amendment 782. See Motion (dkt. 403). Assuming that the amendment applies, Franco-Perez's new base offense level is the same as the original base offense level, and his advisory guideline range (360 months to life) would be the same. See Sentence Reduction Investigation Report (dkt. 412). The Court varied downward due to Franco-Perez's acceptance of responsibility, and sentenced Franco-Perez to 300 months. Id. Even if the Court took away Franco-Perez's career offender status, his new guideline range would be 324 to 405 months; his sentence still represents a below-guidelines sentence. Id. The Court thus declines to reduce Franco-Perez's sentence further. His Motion is DENIED.

IT IS SO ORDERED.

Dated: August 9, 2016



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE